



# News Release

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**FOR IMMEDIATE RELEASE**

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## **Agency sees increase in subcontracting and receipt sharing violations**

TOPEKA - The Kansas Department of Agriculture's pesticide and fertilizer program announced today it has seen an increase in pesticide application violations made by businesses with subcontracting or receipt-sharing agreements with unlicensed businesses.

"I'm not sure what caused this increase — whether changes in the economy prompted changes in business practices, or if it's some other factor — but it's clear it's time to remind applicators what the law requires," said Gary Meyer, manager of the pesticide and fertilizer program.

The Kansas Pesticide Law requires all persons who make pesticide applications for compensation to have a business license, or to be listed as an employee of a pesticide business licensee. When a business arranges for subcontract work or receipt sharing with another business, both must be licensed and have proof of financial responsibility.

It also is unlawful for a pesticide business licensee to allow contracts or statements of service to be used by any unlicensed person who is not a salaried or commissioned employee of the licensee. Statements of service must be provided to all customers, and they must show the name of the business providing the service.

For example, XXX Services is a pesticide business with only one commercial applicator. To take care of its customers during a severe outbreak of cutworms, XXX Services can either hire a temporary employee or subcontract the work. If the company hires an employee, it must be reported to the pesticide and fertilizer program immediately. In this example, however, YYY Spraying, a business licensee, agrees to act as a subcontractor.

The Kansas Pesticide Law requires that a statement of service be given to each customer for each application. The customer in this example is XXX Services, the contractor. YYY Spraying also must provide a copy of the statement of service, as well as an XXX Services invoice, to the final customer who had the cutworm problem.

Another industry practice is to use booking agents. A business, such as a local farm service center, may be the point of contact between a pesticide business licensee and its customers. When a booking agent is used, the statement of service and invoice should clearly show that the pesticide business licensee is the only party responsible for the application. If ZZZ Feed and Grain acts as a booking agent for XXX Services, customers would be able to call ZZZ Feed and Grain to arrange for XXX Services to control their cutworms. XXX

MORE

## VIOLATIONS - ADD 1

Services would issue the invoice and statement of service, but the documents may mention that ZZZ Feed and Grain helped with arrangements.

Pesticide business licensees who make any type of subcontracting or booking agent arrangements should verify that the required information exchange between the commercial applicator and agricultural producer is not overlooked. The FIFRA worker protection standard requires the commercial applicator to provide the agricultural producer specific information about the application before the pesticide is applied. Either party may perform the notification, but it ultimately is the commercial applicator's responsibility to ensure that it has been done.

Questions about subcontracting arrangements or statements of service requirements should be directed to the Kansas Department of Agriculture's pesticide and fertilizer program at (785) 296-3786.